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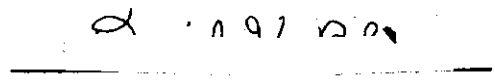

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A GUIDE TO CONSTRUCTIVE URBAN FRINGE DEVELOPMENT

A THESIS

Presented to

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by

David Henry Blau

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Chairman [illegible]

[illegible]

[illegible]

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ABSTRACT

As population growth and density continue to increase in urban areas of this country, problems of the urban fringe are becoming increasingly apparent. The urban fringe is the developing, unincorporated area surrounding every growing municipality. As the more prosperous people move from the central city to the fringe in search of the amenities of suburban living, they leave behind them in the city a declining tax base. They need and demand all of the urban services in outlying subdivisions that were efficiently and economically provided within the municipality. They may seek the needed services from the adjoining city, from the county, from a special district or from a private company. This piecemeal service arrangement ultimately leads to many urban deficiencies. Most noticeable is a lack of planning and the inadequate provision of services and facilities.

This thesis identifies the numerous problems facing the municipality and its urban fringe and recommends a procedure for municipalities to follow in constructively developing fringe areas. Cooperation between city and county officials and an effective city-county working relationship is the first step toward solving the fringe problem. Neither the city nor the county alone can provide the solution. Essential planning and development controls are presented as the next step in solving the problem. The advantages of adopting land subdivision regulations, zoning, codes and the official map in both municipal and fringe areas are discussed. The thesis outlines municipal service policies for

each basic urban service, which can then be applied to fringe area development with minor modification. The merits of each alternative for servicing the urban fringe -- special districts, private companies, county government and municipal government -- are evaluated, and the extension of services by the municipality or the joint provision of fringe services by the city and county is recommended. The thesis then suggests alternatives toward which the city and county can work -- annexation or consolidation -- and discusses the merits of each. Necessary state legislation is recommended which will equip cities and counties with a set of effective tools to deal with problems of urban fringe development. Legislation recommended for consideration includes: (1) the granting of extraterritorial planning powers to municipalities; (2) the authorization for cities and counties to enter into joint agreements and contracts; (3) the control of special and multi-purpose districts; (4) the annexation of portions of the fringe to the adjacent municipality by city ordinance, based on statutory standards; and (5) the adoption of a general enabling act authorizing city-county consolidation. The basic content for each type of proposed state legislation is included in the appendices.

INTRODUCTION

In many urban areas throughout the country, municipal and county officials are attempting to find ways to cope with the many problems caused by the movement of people to the urban fringe. To date, there is no single source to which interested officials can turn to find out what solutions are available. This thesis provides such a source. It identifies the problems and explores the possible solutions to the problems associated with urban fringe development. Although written for general application, the thesis draws heavily on the problems and experiences found among cities and counties in Georgia.

The urban fringe is the developing, unincorporated area that surrounds every growing municipality. A phenomenon of recent population growth, the fringe is developing as a functioning part of the urban complex, but remains distinct as a political entity.[1] The urban fringe is growing at a much faster rate than central cities, as the more prosperous people move from the central city to the suburbs in search of a more pleasant living environment, lower land costs and, hopefully, lower property taxes. The migrants leave behind them in the central city a declining tax base and a dearth of civic leadership.

In the sprawling unincorporated suburbs, the fringe dwellers seek all of the city services to which they were accustomed while living in the city. They need and demand police and fire protection, water and sewerage service, streets and street maintenance, refuse collection,

recreational facilities and other community services necessary to healthful urban living. Fringe residents live in urban areas and yet they resist coming under the jurisdiction of the municipal government which is often capable of satisfying their needs. They seek a few public services that satisfy, sometimes only in part, their most acute needs. Most often they seek the needed services from the adjoining municipality, from the county, from a special district, or from a private company. This piecemeal service arrangement may be satisfactory when a fringe area is first being developed, but as growth mounts, it causes an increasing number of urban deficiencies and inferior conditions. Very prevalent is the lack of adequate planning controls and building regulations, adequate drainage, sewers and sanitation, fire protection, law enforcement, recreation and transportation facilities. Such fringe conditions are not confined to the fringe alone, but have harmful effects upon the entire urban area.[2]

The municipality has a choice of several courses of action: (1) it can ignore the fringe area; (2) it can extend certain services such as water and sewerage services directly to fringe area residents; (3) it can contract with the county government to provide various services; (4) it can annex the fringe area.

Many city and county officials view these various methods of attacking the urban fringe problem as distinct alternatives. However, no <u>one</u> course of action -- whether it be city extension of services, city-county cooperation in the provision of services, or annexation -- is the answer to the problem. This thesis, therefore, presents a recommended procedure for municipalities to follow in solving the fringe

problem and outlines the steps necessary for the constructive development of urban fringe areas. Specifically, it:

(1) identifies the related problems of the municipality and its urban fringe and emphasizes that cooperation of city and county officials is the first step toward solving the urban fringe problem;

(2) presents essential planning and development controls necessary for both the municipality and its urban fringe as the second step in solving the fringe problem;

(3) establishes sound service policies for the municipality, which can then be extended to the urban fringe, as the third step in solving the fringe problem;

(4) recommends basic alternatives for solving the urban fringe problem toward which the previous steps lead -- annexation or consolidation; and

(5) recommends needed state legislation.

The appendices contain samples of the legislation recommended. An annotated bibliography which supplements the material discussed in the thesis is also included.

CHAPTER I

THE MUNICIPALITY AND ITS URBAN FRINGE

This chapter describes the physical characteristics common to developing urban fringe areas and identifies the numerous related problems facing growing municipalities and their urban fringe.

Characteristics of the Urban Fringe

Urban fringes resemble small or medium-sized incorporated cities in some ways, but are significantly different in several important respects. In population and area they look like cities and frequently are believed to be part of the neighboring incorporated communities on which they often are economically and socially dependent. The characteristics that distinquish most fringe areas from cities, however, are deficiencies in the type of development and in the provision of services. Many urban needs -- zoning, subdivision regulations, fire protection, sanitation, streets, drainage, law enforcement -- are ignored or only partially satisfied in fringe areas. Such prevalent shortcomings constitute the principal reason for the urban fringe problem.[3]

Unplanned Development

Most urban fringe growth can be characterized as sprawling, sporadic and unplanned development that is uncoordinated with the development of the municipality adjacent to it. As described by one source,

> . . .the towns and cities of this country are being undercut by inferior imitations of themselves--by developments which have the appearance of cities but do not have the substance of cities;

> by a home buying public which is not sufficiently educated to the real value of city services soundly conceived and adequately executed.[4]

Many fringe areas contain a substantial amount of undesirable intermingling of land uses. Residential areas often find low-grade commercial development located along their borders, which reduces the value of the better development. Low-grade commercial and industrial developments present health and safety hazards for many residential areas. The confused land use pattern also makes the provision and planning of services and facilities virtually impossible. With no indication of future types and densities of development in fringe areas, problems of over or under capacity constantly result in the provision of streets, utilities and other facilities.

Another characteristic common to most fringe areas is the large amount of undeveloped land either vacant or in premature subdivisions. The poor quality of the subdivided land in many fringe areas continues to force new subdivision activity and, consequently, suitable quality lots are being provided farther and farther from the city. Often large blighted areas with water, sewerage, streets and other public improvements are skipped over by sound building development and a large investment in municipal improvements is lost in these areas. Services in developments beyond the blighted vacant land become extremely expensive because of the distances involved in extending them.

A Task Force on Substandard Urban Expansion of the American Municipal Association (now the National League of Cities) found that the insertion of public facilities in such unplanned and inadequately served areas can cost property owners three to five times as much in the long

run as development properly planned and serviced from the beginning. Planned development generally requires far less acreage and expense for individual residential and commercial lots, and insures the provision of ample streets, parks and other needed community facilities.[5]

Inadequate Services and Facilities

The characteristics and problems of urban fringe areas were described in 1964 by the AMA Task Force on Substandard Urban Expansion. According to their findings, extensive substandard urban expansion occurring in the suburbs of cities of all sizes is creating an unwholesome environment and leaving billions of dollars in unmet public needs in urban areas across the nation. The characteristics of this expansion include: a lack of comprehensive planning; minimum public facilities extending to the dangerous use of private water sources and septic tanks even in metropolitan situations; minimum, if any, services in such fields as fire and police protection; no building regulations; no zoning or land use controls; no recreational or cultural facilities; street construction at whatever grades happen to exist and with no provisions for systematic drainage; and, in general, an almost total disregard for all public facilities and services which costly renewal and improvement experience has time and again proved are essential to the urban way of life in this country.[6]

In most fringe areas, water is the public utility which is first supplied. Yet many areas have no public water supply despite their high residential densities. Along with the lack of public water service is the lack of public sanitary and storm sewerage systems, often leading to conditions of stream pollution and overflowing septic tanks. Also located

in the fringe are the nuisance industries which have been forced out of the central city by health, zoning and building regulations. These industries are often major contributors to air and stream pollution. Open dumps and garbage are often found along the roadside in many fringe areas. The lack of fire protection in fringe areas causes very high rates for insurance for fringe dwellings, often as high or higher than the city tax rate that the fringe resident is trying to avoid. Even private utility firms find it difficult to serve the fringe area since a certain density of customers is needed to make the extension of telephone, electric and gas lines economically feasible.

Many fringe dwellers are discovering that the big attraction to fringe living with its many amenities and savings is misleading. In fact, fringe life is often costing them much more than city life in terms of expenses versus conveniences.

Municipal Responsibility to Serve the Urban Fringe

Part of the urban fringe problem can be attributed to the municipality itself. Too many cities see their own corporate boundaries as the limit of their interests and have little concern for the needs and problems of the fringe area, despite the fact that the fringe will most likely become a part of the city sometime in the future. If street patterns and utility provisions in fringe areas are not coordinated with development within the city, fringe areas will require costly rebuilding and upgrading of services if and when they are eventually annexed into the city. Therefore, the municipality must view its own political boundaries, not as rigid corporate political boundaries, but as <u>flexible</u> boundaries

beyond which lie people who have needs very similar to those who live within the city.

Many municipalities are beginning to realize that the problems of substandard development common to most fringe areas do not remain local inconveniences for the fringe dwellers. Poor sewerage and water provisions constitute a health menace for the residents of both the fringe and the city. Shortcomings in the provisions of law enforcement and fire protection services in fringe areas have a detrimental effect on the entire urban area.

Because of recent widespread recognition that the problems of the fringe quickly become the problems of the city, more and more municipalities are giving the urban fringe the serious attention it deserves. The municipality is in the best position to take the initiative in solving the problems of the urban fringe. The level of service provided by most county governments in rural areas is usually inadequate to meet the multiple demands of the unincorporated fringe. The fringe requires municipal-type services that can be furnished most efficiently and most economically by the adjacent municipal government.[7]

Although the municipality is best equipped to serve the fringe, this does not mean that the county can ignore the problems of the urban fringe. In fact, the county has a vital responsibility to work closely with its cities in the provision of municipal-type services to its fringe residents. Specifically, the county can play a major role in enacting and enforcing planning, zoning controls, subdivision regulations and various codes in urban fringe areas -- since many municipalities presently do not have the authority to carry on such activities outside their corporate limits.

The county has traditionally served as a political and administrative agent of the state, exercising certain limited general functions such as law enforcement, courts, roads, schools, public health, welfare and agriculture.[8] Within the past twenty years, counties have been faced with increasing demands from fringe residents for such additional local governmental services as refuse collection and public utilities. Often, when the county does provide additional or more intensified municipal-type services to fringe areas, they are spending on unincorporated fringe areas a disproportionate share of the money that has come substantially from direct revenues from within the city limits.[9]

Related Problems

Numerous problems are associated with the development of unincorporated fringe areas lying just beyond municipal boundaries. The related problems facing growing municipalities and their fringe areas are identified below.

Lack of Legal Jurisdiction

The basic purpose of the municipality is to provide for its citizens, on a cooperative basis, services that would be too expensive to provide on an individual basis. Yet, cities are finding it virtually impossible to expand their taxing jurisdictions to those who live beyond the city limits but who demand and often receive many of the municipal services received by the city resident.

Much of the problem stems from the fact that municipalities do not have ample legal authority for dealing with the demands of urbanization beyond their corporate limits. Many cities have no legal authority to

plan for orderly fringe development and coordinate it with development inside the city. In fact, in Georgia since cities do not have powers of extraterritorial planning and zoning, comprehensive, long-range planning of fringe development is usually noticeably lacking.[10]

A study by the Georgia Municipal Association in 1964 documented the absence of effective control over fringe development. With respect to the question of whether or not counties or municipalities in cooperation with counties provide control over fringe development, the following practices were reported: of the 54 cities studied, planning and zoning occurred in only 16 fringe areas, subdivision regulations existed in ten fringe areas and building codes existed in twelve fringe areas.[11]

Improper Tax Overlap

One of the most serious problems associated with the urban fringe concerns the proportion of taxes paid by the municipal resident and the fringe resident for similar services. In many cities, municipal citizens and taxpayers are subsidizing certain local government functions and services that are received by citizens only in the unincorporated fringe area and other parts of the county.[12] The property owner living inside the city is often required to pay, not only for his own municipal services, but for a large portion of the cost of services rendered to the fringe dwellers living just beyond the corporate boundaries. Where citizens of the municipality pay county ad valorem taxes for the support of governmental functions and services, a large portion of the tax dollar paid into the county general fund is used to provide services such as street maintenance, police protection and refuse collection in the unincorporated areas of the county.

A case study of a city and county of approximately fifty thousand people in Georgia revealed that the county was annually spending $750,000 for roads and bridges. Of that amount more than 60 percent of the revenue was derived from taxpayers within the city, while none of this money was returned to the city residents in road construction and maintenance services. In another case study, it was found that 11.6 percent of the total general fund budget of a particular county was allocated for police protection services. The citizens of a city within the county paid approximately $427,075 in property taxes to the county general fund. Since 11.6 percent of the county's general fund went to police protection, the city residents should have received police protection services worth approximately 11.6 percent of the $427,075. However, the county provides no police protection service within the city, except for allowing the city to use the jail, and the entire budget was spent on the county residents.[13]

The urban fringe dweller will continue to resist becoming a legal part of the municipality as long as municipal residents pay a large share of the cost of services that he receives.

Competitive Services

When municipal-type services are provided in urban fringe areas by the county, private enterprise or special districts, the problem of competitive service systems arises. A study conducted by the Georgia Municipal Association in 1964 revealed that the competitive provision of municipal-type services by various units of government is occurring in many fringe areas in Georgia.[14] The study concluded that competition is particularly acute with utility services such as water and sewer, but that it also exists with the provision of other services such as police

protection, fire protection and refuse collection.

The provision of municipal-type services by counties or quasi-governmental units generally leads to the creation of duplicate or parallel services inside and outside the city. Many county governments operate competitive utility systems and other services in urban fringe areas adjacent to long-established and growing municipalities. Often the municipality has the capability and is even willing to serve the fringe area.

Part of the competitive services problem is due to the lack of cooperation between the various units of government. The fringe problem will never be solved by either the municipality or the county alone, but only through the cooperation of all the governmental units involved.

Inadequate Municipal Policies on Outside Services

Most cities lack well-conceived policies for fringe area development and do not clearly understand the significant relationship between municipal and fringe area growth. Indeed, many municipalities do not have adequate service policies and standards within their corporate limits, which makes the formulation of fringe area service policies impossible.

Since the municipality is the economic core of the urban area, it is logical for it also to become the service core. However, unless the municipality has sound service policies for the provision and payment of service extensions, it may find itself performing services for the fringe area at the expense of its own taxpayers.

Our cities are faced with a dilemma: they often wish to provide standard municipal services to the fringe areas so that once the area is

annexed into the city, the cost of service improvements will be minimal; yet, the rendering of municipal services to the fringe area may discourage the fringe residents from annexing into the municipality. If the city does not extend its services to fringe residents, if the cost of extended services to the fringe resident is too high, or if the quality and availability of services is inadequate, the people will turn to the county, special districts, private companies, or they may even incorporate. The result is often a duplication of basic urban services, conflict in authority between jurisdictions, and substandard levels of service. If the cost of extended services to the fringe residents is too low, they will have no incentive to become a part of the city.

Recognizing the many related problems of the municipality and its urban fringe, and the limited legal mechanics available to the city for guiding fringe area development, one of the first steps in solving the urban fringe problem should be the development of sound, positive service policies for the fringe. The formulation of such outside service policies must begin with: first, an overall plan of development for both the municipality and its fringe areas and, second, the establishment of sound service policies within the municipality.

CHAPTER II

PLANNING AND DEVELOPMENT CONTROLS

One of the first steps in solving the problems of the municipality and its urban fringe is the formulation of sound planning and sound development controls for both the municipality and its fringe areas. The formulation of development objectives for the fringe can only begin after the municipality has determined its own direction and objectives.

Figure 1 on the following page shows the steps the municipality should take in solving the urban fringe problem, including the various alternatives available at each stage in the solution. This illustration expresses the solution to the fringe problem as one continuing process and graphically explains the procedure recommended in this thesis.

Planning for the Municipality

The planning process begins with the creation of an official planning commission whose principal duties include the formulation of basic community objectives for the municipality's physical, social, economic and aesthetic development. These objectives should indicate in a general way how local governmental and civic leaders wish to see their community develop in the next 20 to 30 years. What type of development should the community encourage? What intensity of municipal development is most desirable? What levels of public services should the municipality attempt to provide?

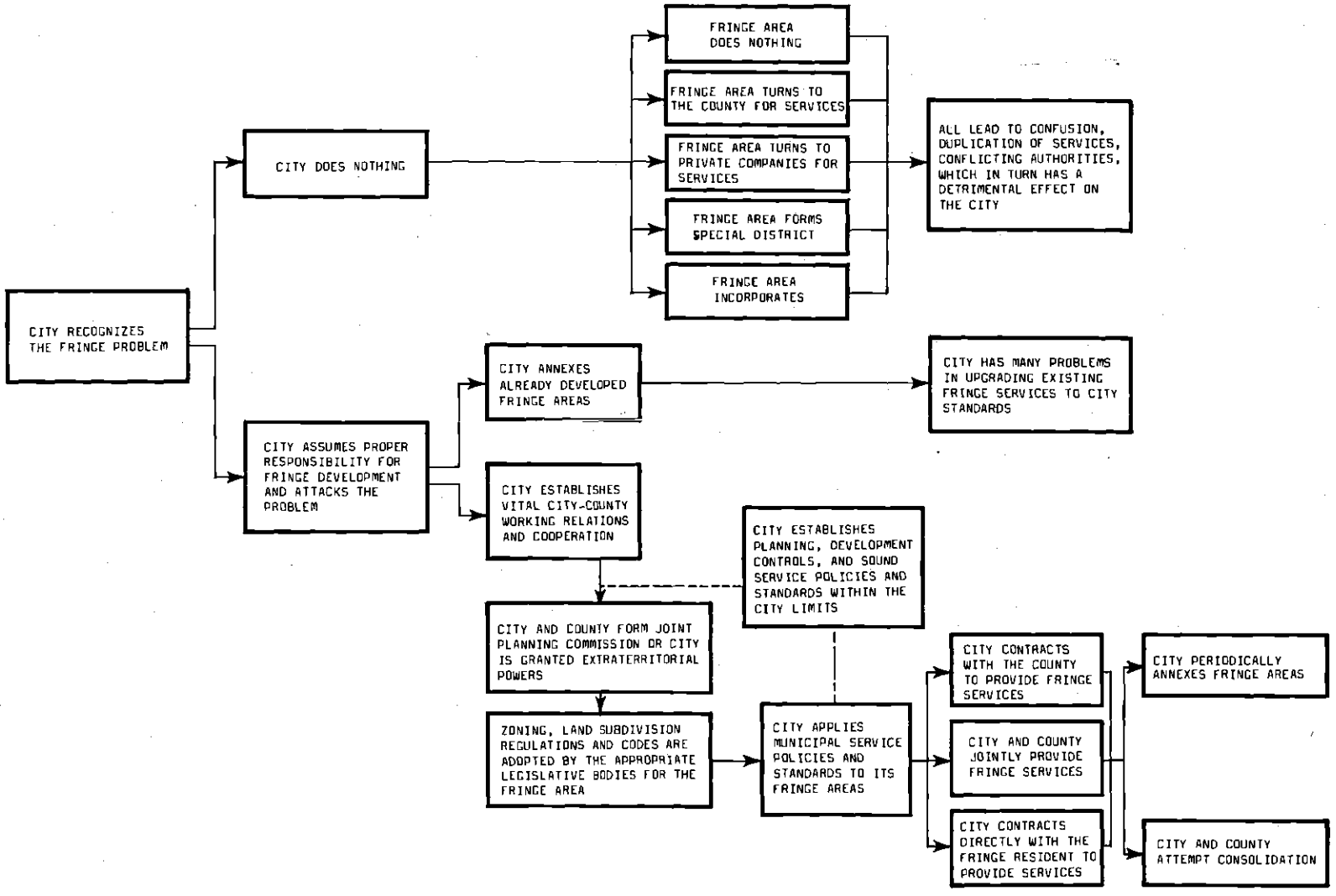

Figure 1. Solving the Urban Fringe Problem

After these and other similar-type questions are answered, a series of policies or courses of action designed to move the city toward these objectives can be formulated and pursued. Policies concerning population, economy, transportation and land use should be formulated into a comprehensive plan for municipal development. The plan should then act as a guide for future community growth. The comprehensive plan should include the following minimum elements:

1. existing and future population study
2. economic analysis of existing and future conditions
3. existing and future land use study
4. existing and future transportation study
5. minimum housing element study
6. community facilities study, including:
    a. schools and libraries
    b. hospitals and health facilities
    c. municipal buildings
    d. cultural facilities
    e. parks and open space
    f. cemeteries
    g. public utilities

The tools used to implement the comprehensive plan include:

1. capital improvements program and capital budget
2. land subdivision regulations
3. zoning regulations
4. building, housing, gas, electric and other codes
5. official map

As part of the planning and development studies and implementation tools, the municipality should complete and maintain a Certified Workable Program which is both a valuable community development tool and is also essential for several of the financial assistance programs of the Department of Housing and Urban Development.

The comprehensive plan should be an official public document prepared by the local government as a policy guide to aid in making decisions on the future development of the community. Through the comprehensive

plan, the legislative body can present a unified picture of its long range policies to the many persons and agencies concerned with community development -- municipal departments, private developers, civic organizations and the general public. The plan can act as a positive force enabling both public and private interests engaged in development to relate specific projects to an overall scheme.

Municipal government has a great deal of influence in the way in which the community develops. The buildings, facilities and improvements provided by local governments affect each citizen, give form to the community and can stimulate or retard private development. The municipal government is the only body with an opportunity to coordinate the overall pattern of development within the community. The government -- particularly the legislative body made up of elected officials -- needs some technical guidance in making development decisions. This guidance is provided by the comprehensive plan which establishes long-range development policies that can be referred to in deciding upon issues confronting municipal officials day by day.

Guidance should also be provided by the capital improvements program and capital expenditures budget, which influence the timing and character of municipal development. They should reflect the objectives of the comprehensive plan and present the legislative body with (1) an inventory of potential projects including cost estimates and an evaluation of their priority, (2) an investigation of the community's financial capabilities to pay for the various projects and (3) a schedule of project execution over a period of usually six years. From this, a list of immediate projects and their priorities with the amounts and sources of

funds for the coming fiscal year can be incorporated into the current administrative budget. The capital improvements program and budget allows decisions to be made over a period of time so that the various steps in the development of an area can logically follow one another.[15]

Planning for the Urban Fringe

Planning for the urban fringe requires studies very similar to those necessary for the comprehensive plan for the municipality. Essential to the formulation of a plan of development for the fringe is an analysis of the types of urban needs found within the area. The needs of the urban fringe often differ from the needs of the adjacent municipality. Fringe areas of rapid growth may require land development and service policies that control such growth; in fringe areas of sporadic growth, policies involving incentives to encourage development may be desirable.

A comprehensive survey should be undertaken of all urban fringe areas plus all areas that are likely to urbanize in the near future. Development policies should be formulated from population, economic, transportation and land use studies and should relate closely to municipal development policies and projected municipal growth.

Land development policies for the urban fringe should be closely coordinated with outside service policies since municipal policies on outside services can greatly affect the location of new development. Street access and the provision of water and sanitary services often determine the location, priority and intensity of residential development.

At least three alternatives are available for planning in unincorporated fringe areas: (1) planning by a county planning commission, (2) planning by a joint city-county planning commission, or (3) planning by a city planning commission.

County Planning in Fringe Areas

States generally authorize counties to establish county planning commissions with responsibility for the preparation of comprehensive plans and for the preparation of zoning and land subdivision regulations within their unincorporated territory. A number of urban counties have effective planning commissions and staffs similar to those of many cities. However, county planning in unincorporated fringe areas has generally been inadequate in relation to the rapid development that is occurring in most urban areas.[16] Unless a county is significantly urbanized, county planning tends to deal with rural problems and differs considerably from the comprehensive planning and development control so urgently needed in urban fringe areas.

City-County Planning in Fringe Areas

In many states, general planning enabling legislation permits cities and counties to establish city-county planning commissions with responsibility for the preparation of comprehensive plans for development within their jurisdictions. These enabling acts also authorize joint city-county planning commissions to prepare and recommend for adoption by the respective city and county governing bodies, zoning and land subdivision regulations for their individual jurisdiction. In Georgia alone, there are 53 such joint city-county planning commissions.[17]

A joint city-county planning commission could be an effective mechanism for planning and coordinating urban growth both inside and outside the city limits. Unfortunately, the effectiveness of planning in fringe areas has been minimal since many counties participating in joint planning commissions fail to enact the needed development controls such as zoning, land subdivision regulations and other codes.[18]

Municipal Planning in Fringe Areas

A number of states authorize municipal governing authorities to extend the planning jurisdiction of the municipal planning commission into specified unincorporated areas adjacent to the municipality, upon the concurrence of the county governing authority.[19] The legislation requires that the county and municipal governing authorities agree upon the boundaries of the areas within which planning would be exercised and the procedures for the adoption and administration of ordinances, resolutions and other regulations. Because of the difficulties in agreeing upon boundaries of fringe development, as well as in determining the procedures for joint action, this authority has proven largely unsuccessful as a means of guiding fringe development.[20]

A more effective means of municipal planning in fringe areas is found in states that have granted municipalities extraterritorial powers, allowing the cities to not only plan for orderly fringe growth but to enact and enforce development controls for a specified distance outside the corporate limits.

Development Controls

Land subdivision regulations, zoning, various codes and the offi-

cial map are major planning tools that should be used to guide the type and quality of development within the municipality in accordance with the comprehensive plan. These controls should also be used by the appropriate governmental authority -- either the county, the city or a joint city-county planning commission -- to guide development in fringe areas.

Land Subdivision Regulations

Land subdivision regulations are a basic tool that should be used to insure the growth of the municipality and of the urban fringe in accordance with an overall plan. Such regulations are locally-adopted laws governing the process of converting raw land into building sites. The regulations permit a developer to divide and sell his land only after the planning commission has approved a plat of the proposed design of his subdivision. Approval or disapproval by the commission is based on compliance with development standards set forth in the subdivision regulations.[21]

Land subdivision regulations enable the municipality to coordinate the otherwise unrelated plans of individual developers and in the process, control street layout, street width, lot size and block size in new areas of development. The provision of parks, school sites and other public facilities can be assured by requiring the dedication or reservation of land for such purposes by the developer. Subdivision regulations may also require the subdivider to provide at his expense proper street grading, surfacing, drainage and water, sanitary sewer and storm drainage facilities. The subdivider in turn usually raises the price of his lots to compensate for his increased costs.

Land subdivision regulation insures proper development in several other ways. Streets that are well laid out and well paved will require a minimum amount of maintenance. Requirements for the advanced installation of utilities, street paving and other improvements will discourage premature and excessive subdivision that would inevitably result in scattered development that increases the cost of services to the resident and to the municipal government. Well subdivided land generally stabilizes property values and, in turn, strengthens the local tax base.

It is therefore very important that land subdivision regulations be adopted by the municipality and by the county for its unincorporated area. If the standards of development are the same in the urban fringe and in the city, the incorporation of fringe areas into the city can be accomplished with minimum expense and inconvenience to the landowner and to the municipality.[22]

In instances where city-county cooperation has been unsuccessful or where the county does not enforce similar land subdivision regulations within unincorporated areas, the municipality should consider alternative methods of gaining compliance with its regulations in adjacent fringe areas. One alternative is to seek voluntary compliance by acquainting developers with the regulations within the city and by emphasizing the benefits to be gained thereby. A second alternative is to extend municipal services only after the subdivider has agreed to comply with the land subdivision regulations of the city.

Zoning

Zoning is the most commonly used legal device available for implementing the land use plan of a municipality. It is essentially a means

of insuring that the land uses of a community are properly located and spaced in relation to each other.

Through the enactment and enforcement of zoning ordinances, local governments can regulate the use of land and buildings, the height and bulk of buildings, lot coverage and density of population. Proper enforcement of zoning ordinances insures the most appropriate use of land, stabilizes and preserves property values, and in general promotes a more attractive and healthful living environment. Zoning allows the control of development density so that each type of land use can be adequately serviced with such facilities as streets, schools, utilities and other public services. This control, in turn, guides new growth and development into appropriate areas and protects existing property by requiring that development afford adequate light, air and privacy for persons living and working in the municipality.[23]

With an increasing proportion of new development occurring outside the corporate limits of many municipalities, it is readily apparent that the zoning ordinance will have very little effect if it cannot be applied to these new areas of growth as well as to the older developed areas within the city.

Codes

A third important tool for carrying out the overall development plan is a set of codes. States generally authorize counties to adopt and enforce building, housing, electrical, plumbing, gas and other similar codes within unincorporated fringe areas and to contract with municipalities to implement such regulations. A number of cities and counties regulate building construction in fringe areas through joint administra-

tion of their codes. The enforcement of such codes within the municipality and the urban fringe helps to upgrade existing housing conditions and also to minimize the number of substandard dwellings that will be constructed in future years.

Official Map

Another tool for guiding municipal and fringe development is the official map, which permits the municipality to reserve land for future street rights-of-way and for future public building sites, utilities and public open spaces. Permanent buildings within those locations specified on the map are prohibited. Relief measures are provided for a property owner who is adversely affected financially.

The official map can serve as a positive influence on sound development by reserving sites for public improvements in anticipation of actual need. The map should be closely coordinated with the capital improvements program, and projects falling within the time-period of the capital improvements program should be included in the official map, which then places an obligation on the municipality to acquire the property when it is under development pressures.

To be most effective, zoning ordinances, subdivision regulations, codes, the official map and health regulations should be consistent with the comprehensive plan and also with municipal policies for the extension of services to form a unified scheme for the development of an entire urban area.

Extraterritorial Zoning and Land Subdivision Regulation

A number of states have adopted statutes granting extraterritorial powers of zoning and land subdivision regulation to their municipalities.

Extraterritorial zoning and subdivision regulation offer a very desirable and effective procedure for solving the related problems of the municipality and its urban fringe. Where counties have not exercized authority to control unincorporated fringe areas through effective county planning, zoning and subdivision regulation, the extraterritorial exercise of these powers by municipalities provides the logical alternative and can be an important method of preventing urban fringe problems.[24]

Cities need to be given the powers necessary to control urban development lying just beyond their corporate limits -- in areas that will most likely become part of the municipality in the future. The city is in the best position to guide and coordinate fringe development with its own growth and development. Extraterritorial zoning and land subdivision regulation can allow the municipality and its fringe areas to develop as a total community with orderly and compatible growth both inside and outside the city limits and thus can eliminate many of the problems associated with urban fringe development. The city usually has both the administrative organization needed to handle the job effectively and the incentive to do so, since the fringe may become a part of the municipality in later years.

CHAPTER III

SERVICE POLICIES FOR THE MUNICIPALITY

After the municipality and the county have established sound planning procedures and development controls, the municipality can begin to examine its policies and standards for providing services to both municipal and fringe area residents. In order for the city to extend its services on a sound basis to unincorporated fringe areas, it is essential that it first establish sound service extension policies within its corporate limits. Municipal service policies as to financing and extending services within the city should be developed by reviewing existing policies and formulating policies easily adaptable to serving fringe areas.

Review of Existing Service Policies

In order to develop sound municipal service policies, cities should first conduct a comprehensive review and evaluation of their current service policies to determine if existing policies are promoting effective community growth and development. The local government is chiefly a service-giving institution and the concern of the municipal officials is to see: first, that local government provides the services the people want; second, that the government is properly organized to administer those services; and third, that the services are being effectively performed.[25] Municipal services, activities and operations should be reviewed in the light of (1) available and potential fiscal resources and (2) current and future community needs.

A municipal reappraisal program of this nature should be focused on the question: What do we want our community to be like in the future? No doubt, many municipal officials have ideas or objectives regarding the future of the community they serve. A study of existing service policies in conjunction with these objectives may reveal that many service policies are actually defeating these objectives or that the objectives themselves are not well conceived.[26] The reappraisal would reveal, for example, whether or not the city presently has:

> Sound Fiscal Policies -- Does the city know what it costs to provide its services? Has the city determined the most equitable means of financing each service that it provides? Do those benefiting from a service share equitably in the cost?
>
> Service Policies Related to Development Objectives -- Are land development objectives of the city furthered by existing service policies? Are service policies forcing people to move out to fringe areas?
>
> Utility Extension Policies -- Does the city have sound policies governing the extension of utilities, which regulate the construction, installation and method of financing such services as water, gas and sewerage?
>
> Public Safety Service Policies -- Does the city have sound policies with respect to police and fire protection, the location of stations and the deployment of personnel and equipment?

Answers to these and other similar questions will uncover any deficiencies in service provisions and should then form the basis for improving municipal service policies.

Recommended Municipal Service Policies

Recommended policies for the provision, extension and financing of each major urban service within the city are presented below. Many of these policies can be applied to fringe area development with only minor modification.

Water Service

One of the most important policy considerations of the municipal government is the provision and extension of water service. Adequate water service consists of: (1) providing a water supply for domestic use that is sufficient, safe, clear, potable and preferably soft; (2) providing adequate water pressure and supply for fire fighting; and (3) establishing reasonable charges.[27] The supply of treated water should at all times exceed the maximum daily withdrawal.

Fire Protection. Water capacity and supply should be adequate not only for domestic and industrial consumption but also for fire fighting. In order to provide fire protection service nearly all parts of the water system must be larger than would be required to supply domestic and industrial demands. The municipality should maintain the degree of adequacy and reliability of water supply facilities consistent with the fire insurance classification currently existing or planned for the future.

Private fire protection such as sprinkler stand-by services for individual buildings is generally recognized as a special service that should be paid for by those receiving the service.

Water Rates and Financing. The municipality should attempt to operate its water works on a self-supporting basis. The success of such a system depends upon a sound water rate policy, insuring sufficient annual revenue to cover all costs of the utility including capital expenditures and costs for extension, operation and maintenance. The objective of any schedule of rates for water service should be a fair distribution of the costs of such services to those benefited. All classes of

users -- residential, commercial, industrial and public -- should be charged for the quantity of water used during a specific time period, usually a one-month period. The rate should be based on the total metered amount of water delivered and the unit price should normally decrease as the total volume of water used increases. Certain special charges including meter deposits, tap-on fees, sprinkler stand-by and private hydrant rental charges should also be used to help defray the cost of providing water service.

Procedures for initiating water system improvements, perscribing methods of financing, assessment procedures and apportioning cost against abutting property owners should be established by the municipality.

Water Ordinance. The municipality should adopt an ordinance governing the operation of the water department and prescribing regulations for the use of water. The general provisions of such an ordinance should cover such matters as supervision of the department, applications for use of water, metering, billing, inspections and other policy considerations.

Water Extension Policy. The city should formulate a definite policy specifying detailed standards for water extensions to prevent the over-expansion of the system beyond what it can support, to prevent the installation of inadequate and poorly constructed water mains and to assure fair treatment among present and future customers. The extension policy should supplement the city's subdivision regulations in achieving proper development in newly subdivided areas. Since water service is often the prime service demanded by outlying residents, an example of the essential features of a water main extension policy are described

below:

1. The policy should provide for customer or subdivider participation in the financing of the extension, explicitly stating what the customer or subdivider is to pay and the reason for the payment. The subdivider should be required to pay the full cost of the water mains except in cases where he is required to install mains in excess of the required size.

2. If the subdivider is required to install water mains in excess of the required size to adequately serve his subdivision for the purpose of serving future development anticipated along the main, he should be reimbursed by the city for that portion of the cost over and above the cost of the minimum required size water main.

3. If a subdivider wishes to develop an outlying subdivision that bypasses vacant land, he should be required to pay for the entire water main but should be partially reimbursed subject to the following provisions:

   (a) the reimbursement should be paid from the connection fees to the main as customers tap onto the line between municipal development and the outlying subdivision, and

   (b) the reimbursement period should be limited to five years. This arrangement would deter many subdividers from developing in areas not ripe for development because of the uncertainty of regaining a majority of the initial cost to them of installing the extended water main. The reimbursement period would terminate after five years or when the developer is fully repaid for his excess initial costs, whichever occurs first.

4. The city should retain title to the water mains. The customer should understand that the city has a right to add additional customers to the extension and to add new extensions without consent of any party contributing to the original extension.[28]

5. The policy must protect the interests of the customer already being served by the water works as well as the interests of the prospective customer requesting service.

6. Each extension of a water main should be covered by a contract between the city and the customer or subdivider, specifying what each party is to pay, the type of installation to be made, the duration of the payment period and the responsibility of each party to the other.

7. The policy should include special provisions for extending services to industrial users with safeguards to protect the

municipal system from excessive future demands. Generally, industry should pay for its own extension with no extension made until it is shown that the industrial requirements will not overburden the water supply.

8. The policy should conform with and strengthen the annexation program as well as the long-range planning program of the municipality.

Sanitary Sewer Service

A primary objective of the municipal government should be to serve all areas of the city with sanitary sewers. Sewerage service to fringe areas should accompany water service. Connections to the sewerage system should be required by all residential properties served by a sewer line. This requirement is clearly in the public interest since the sewerage system cannot fulfill its primary health function if unsanitary private sewage disposal facilities are permitted within the service area.[29]

Sewage flow should be kept entirely separate from the storm water flow. Storm water drainage and facilities are treated as part of the Street Construction and Maintenance Policy in a later section of this thesis.

Sewer Rates and Financing. The city should attempt to operate its sewerage system as well as its water works on a self-sustaining basis. The sewer service charge, used to finance recurring costs such as maintenance and operation, should be based on the quantity of water used, usually over a one-month period. Basing the service charge on water consumption provides one of the most equitable means of allocating the service costs and of collecting the charge (i.e., along with the water bill). The sale of revenue bonds may be used to obtain funds to finance the construction of sewerage facilities. The ideal method of financing

sewerage system improvements is through the issuance of joint water-sewer revenue bonds wherein the receipts from supplying water and providing sewerage disposal service are pledged as assurance to the buyer that adequate earnings will be available to amortize the bonds. The advantage of issuing joint bonds is that the large revenue received through water works can then be used to finance facilities needed under the sewerage system which usually produces smaller amounts of revenue.

Sewer Ordinance. The city should adopt an ordinance governing the operation of the sewer department and sewerage system. The discharge of certain substances into the sewer system, such as volatile gases, acid trade wastes, poisons or any other wastes which may obstruct the sewers or create a health hazard should be prohibited by the ordinance.

Persons, firms or corporations should be prohibited from connecting to the sewerage system unless the city has issued a permit authorizing such connection. Before issuance of the permit, a determination should be made as to the size of connection required, the type of waste to be placed into the system and whether or not the building has an approved plumbing system in accordance with plumbing code requirements. All connections should be made in accordance with the city's specifications and under its supervision.

The city should be responsible for constructing, maintaining and repairing all sewer lines, sewage treatment plants, pumping stations and other sewerage facilities. Repair of sewer lines from the main to the property line should be at the expense of the city; the property owner should be responsible for the sewer line from the property line to the building.

Sewer Extension Policy. The city should formulate a definite policy specifying detailed standards for sewer extensions in conjunction with its water extension policy. The sewer extension policy should be very similar and should include the same features as the water extension policy recommended in the previous section.

Procedures for initiating sewerage system improvements, prescribing methods of financing, assessment procedures and apportioning cost against abutting property owners should be established by the municipality.

Sewage Treatment Policy. The municipality should treat all sewage in accordance with the requirements of the health laws of the State. In Georgia, the Georgia Water Quality Control Board sets forth specific standards and requirements that must be met prior to the discharge of waste into streams and waters.

The problem of paying for the treatment of industrial wastes is faced by many municipalities. The most equitable solution to the problem is to allow industrial wastes to be discharged into the sewerage system, but to stipulate that a surcharge shall be added to the normal sewage service bill if the B.O.D. (biochemical oxygen demand) or suspended solids content discharged into the sewers is above a designated limit in terms of quantity and quality. All wastes that exceed the limits must be pretreated before discharged into the sewerage system, which means that the industry must build at its own expense, the facilities necessary to reduce the wastes to acceptable standards or pay the city to do so. If an industry discharges chemicals or other wastes that cannot be reduced to acceptable standards by the city's normal treatment process, the industry should be required to provide the facilities necessary to

treat the sewage.

Street Construction and Maintenance

The construction of streets and their proper maintenance are prime requisites for urban living. The purpose of the street system is to serve the transportation needs of the community and also to provide a suitable location for additional public services such as water, sewer, electric and gas lines.

The municipality should establish standards covering minimum street rights-of-way, street pavement widths, maximum and minimum street grades, street intersections, and block lengths and widths. The type of street improvements required, grading, base materials and surfacing specifications should be determined for all street extensions and improvements. Procedures for initiating street improvements, prescribing methods of financing, assessment procedures and apportioning cost against abutting property owners should also be established.

Storm Drainage. The drainage and disposal of storm water runoff with the least possible inconvenience to the public should be an important part of the city's street construction and maintenance policy. The drainage of municipal streets should be an integral part of a comprehensive plan of drainage for the entire city. The cost of the storm sewer system can be greatly decreased if open streams and water courses are permanently and adequately maintained. The municipality should formulate a policy for the public acquisition of lands along the banks of its streams or rivers. This would mean not only savings in storm sewer construction costs but could also be a considerable asset to the city in terms of parks and open space.

Sewer planning should always be closely related to and should take advantage of the existing topography and natural drainage of the area. Zoning, if well devised and practiced, can be of great assistance in sewer planning. By regulating land development, the municipality can determine the sewerage requirements that must be met once specific areas have developed and thus avoid many costs in the provision of sewer lines that might have been caused by uncertainty as to use and density.

The installation of storm sewers should always precede the paving of city streets. The subdivider should be required to install and pay for all storm drainage facilities required by his subdivision.

Street Improvement Policy. The municipality should adopt a street improvement policy, establishing standards for constructing and financing proposed improvements. The construction of new streets and the extension of existing streets should be planned in accordance with the city's comprehensive plan for development. Whether street construction is being financed by the city or by a private developer, the same minimum construction standards for base, pavement, curbs and gutters and storm sewers should be required.

Several procedures are currently used for constructing street improvements and extensions. A developer may engage a contractor to do street paving and drainage and then dedicate the streets to the city. In this situation, the city often finds it difficult to assure that construction work has been accomplished in conformance with the city's minimum construction standards. Many times, a subdivider will contract for the construction of streets within his subdivision and later, because of financial problems, abandon the project, leaving the city to pay for all

or part of the construction costs for completing the streets. To avoid this problem, many cities require the subdivider to provide an acceptable bond before construction can begin, guaranteeing that the streets will be completed within a stipulated time period.

When streets are accepted from a subdivider, defective workmanship or materials often show up later and again, the city is burdened with the cost of the necessary repairs. To avoid this problem, some cities require either the subdivider or the contractor to furnish a maintenance bond guaranteeing streets and drainage facilities against defects for a certain time period after city acceptance of the streets.

An effective procedure for paving streets, whether they are new streets or existing unpaved streets, is presented below. It has several distinct advantages: (1) subdividers and individual property owners are treated substantially alike, (2) subdividers and property owners know in advance what the improvements will cost them and (3) construction quality of new streets is directly controlled by the city.

The procedure is as follows: The subdivider should be required to pay the entire cost of street grading, paving and drainage to city standards, as required in the city's land subdivision regulations, and should receive immediate top priority. The subdivider should be required to employ his own planners, engineers and land surveyors and to obtain city approval of detailed subdivision plans. He should also be required to rough grade proposed streets but from this point on, the construction of streets is carried out or administered by the city. Although the city will incur additional costs in administering subdivision street improvements, these costs will be more than offset by savings in future

street maintenance costs resulting from direct city control of street construction quality. If the city requires a street width greater than the width required to serve the subdivision, the subdivider should be reimbursed by the city for that portion of the cost over and above the cost of the minimum required size street.

On existing street improvements, the city should pay one third the cost of the street improvement with the remaining two thirds divided between the abutting property owners on either side of the street. Since most cities have limited funds for street improvements, each city should establish a program of street improvement priorities.

Street Assessment Policy. A major problem concerning street improvement assessments is the varying amount of assessment per front foot of street property. This variation occurs because city charters generally contain a formula by which the cost of each separate street improvement project is apportioned between the city government and benefited property owners. Thus, if a property owner had his street improved as part of a project consisting of expensive road construction including unusually high storm drainage costs, his pro rata assessment would be high. Another property owner whose street is improved under a project consisting of relatively inexpensive road construction and drainage would have a much lower assessment. These variations are legal but not always equitable.

As an alternative to the levying of varying assessments, uniform assessments against private property for street improvements are recommended, with the city equalizing cost variations from project to project. Such a uniform assessment would be derived on the basis of the average

cost of a typical improvement of a standard width local street with the city paying the generally accepted one third share. The uniform assessment figure, determined by engineering studies, should be adjusted periodically to compensate for changes in construction costs as reflected in the Engineering News Record Construction Cost Index or for continued overrun or underrun in the city's share of street improvement costs. A major advantage under this policy is that the property owner can determine immediately the cost to him of a proposed street improvement.

Street Use Ordinance. The municipality should adopt a street use ordinance to provide effective coordination and control of subsurface utility operations. The ordinance should require that a permit be obtained before any street opening is made and that certain provisions are met regarding site work, backfilling and the restoration of the pavement. The ordinance should also require that utility installations be made upon receipt of proper notice prior to all street paving or repaving projects.

A privately-owned utility should be required to obtain a franchise from the municipality authorizing it to occupy the streets for the purpose of furnishing services such as electricity or gas. Semi-annual meetings should be held between city departments and utility franchise holders to coordinate proposed construction planned for the following six months.

Street Lighting. Street lighting is a very important segment of an effective street service policy. A well-lit street (1) provides security for the residents of the community, (2) is a deterrent to crime and vandalism, and (3) reduces traffic accidents.

The city should finance street lighting installation costs on major streets and thoroughfares; on minor streets, street lights can be financed on an assessment basis with the city assuming one third the cost and the additional two thirds divided between the abutting property owners on either side of the streets. In new subdivisions, the developer should be required to install adequate street lighting at his own expense as part of the street improvement policy. Service costs for street lighting throughout the community are normally paid for by the municipality.

Street Maintenance. Adequate street maintenance is another vital part of a street service policy. The costs for street maintenance can be greatly reduced by proper street construction standards and specifications, and by careful inspection during construction. Proper maintenance of city streets should be given as much consideration as new construction. All existing unpaved streets should have adequate drainage and proper grades and should be included in the municipality's program for paving all its city streets.

Refuse Collection and Disposal

The municipality has an important responsibility to its citizens for providing adequate refuse collection and disposal. Refuse materials should be stored, collected, transported and disposed of so that nuisances are not created and the public health is protected.

Refuse Collection and Disposal Service Policy. The costs of refuse collection and disposal service can be extremely high unless the municipality formulates sound policies and procedures for handling the collection of refuse. The city should adopt an ordinance establishing

certain minimum requirements as to the provision of containers; the location of containers; the frequency of collection; the regulations for draining, wrapping, bundling or lining of cans; the classes and quantities of refuse not accepted; the control of private collectors and scavengers; and the control of dumping areas.[30]

Refuse collection and disposal service should preferably be operated by the municipality. Most cities have found that municipal operation of refuse collection is economical, beneficial from a public health standpoint, satisfactory to city residents and a credit to the community. With effective administration, municipal collection is more likely to promote economical and proper service than refuse collection by other methods such as collection under contract.

Municipal ordinances alone cannot insure safe and effective refuse collection and disposal service. The city should have a regular program of education to see that the requirements of the ordinances are obeyed and to secure the helpful cooperation of its citizens. A continuing series of "clean-up campaigns" not only improves the appearance of a municipality, but decreases the cost of refuse collection and street cleaning.

Refuse Collection Rates and Financing. The financing of refuse collection through service charges is a very desirable practice, whether the service is provided by the municipality or under contract. The use of such charges has grown from the inability of cities to provide adequate appropriations from general funds for the standard of collection services demanded by municipal residents.

In Georgia, for example, a survey of municipalities showed that

for residences, the fees vary from $.25 per month to $3.00 per month.[31] Businesses are often charged double the fee for residents. A more equitable fee for businesses can be set by using a scaled set of charges based on either the classifications of business or preferably on the actual amount of refuse collected each month or on the time required for pick up. The fee for both residences and businesses can be collected by including it on the monthly water bill.

Police Protection

The primary responsibility of the municipality's police department is to protect life and property, administer law and order, and preserve the peace. Police protection involves two processes -- enforcement of law and development of attitudes favorable to law observance. Neither one alone can form the basis for effective police protection.

Police Protection Service Policy. The services provided by the police department should include: (1) maintenance of public order, (2) crime prevention, (3) investigation of crime and apprehension of criminals and (4) traffic regulation. Public order should be maintained by the patrol force which should be the backbone of the police department.[32] Distributed throughout the municipality, it is in constant contact with the citizens of the community. The police department should maintain a program of twenty-four hour patrols. The more effective the patrol division is, the less need there is for the other, more specialized operations. Another vital function of police protection should be the detection and apprehension of criminals. The safety of lives and property depend upon the effectiveness with which the responsible persons are apprehended. The police should also be responsible for several traffic

activities including accident investigation, traffic direction and traffic law enforcement.

Municipalities should generally follow the guidelines as set forth by the International Association of Chiefs of Police for determining police protection policies, procedures and standards.

Public Relations Policy. The effectiveness of the police department depends to a great extent on the success of a public relations policy and program. Effective police work with children, for instance, will pay returns to the municipality in later years in terms of lower crime rates and greater respect for police regulations. To the citizens in need of help, the police represent the municipal government, and the public relations not only of the police department but of the entire government rests on the individual officer's contact with citizens. In formulating a public relations policy, three factors should be considered: (1) public resentment must be avoided, (2) public good will must be developed, and (3) the public should be kept well-informed of all police regulations.[33] The more informed the public is, the greater the chance of cooperation and the less chance of antagonism between the police and the public.

Fire Protection

The primary responsibility of the fire department is to protect life and property from destruction by fire. The department should be equally concerned with two major elements of this responsibility: fire prevention and fire fighting.

Fire Protection Service Policy. The services provided by the fire department should include: (1) fire prevention, (2) fire fighting,

(3) rescue work, (4) fire alarm maintenance and (5) investigation of fires. The fire alarm division should maintain a city-wide fire alarm system. The department should have a training program offering special courses of instruction in such fields as inspection and investigation, fire fighting and communications. The municipality should have an active program of fire safety inspection under the direction of a fire prevention bureau. Inspection of buildings and homes should be scheduled so that coverage is extended to the entire area within the department's jurisdiction.

The municipality should adopt policies for the enforcement of fire prevention codes, the prevention of fires and the education of the public in fire prevention. The fire department should have a fire safety education program for instructing school children and citizens on the hazards that exist in their homes and in their community. Property owners should be given technical advice and assistance on matters of fire safety.

A successful recruiting policy and program is vital to the effectiveness of the fire department and should be established to maintain the necessary manpower.

Municipalities should follow the guidelines and standards of the American Insurance Association in determining fire department personnel, number of companies, service area radii and specifications for water mains, fire hydrants and fire alarm systems.

Public Relations Policy. Fire prevention and inspection activities provide many personal contacts between the fire department and the public which can easily be converted into public relations assets.

Officers assigned to inspection duty should be given careful training in how to deal with people. Inspections provide firemen with an ideal opportunity to explain the principles of fire prevention and the activities of the department. Rescue work and instruction in first aid which firemen can give to school children, boy scouts and other groups provide excellent opportunities to build good will for the department.

An effective complaint procedure of (1) receiving the complaint, (2) assigning the responsibility of investigation and correction and (3) notifying that the correction has been made is very important and allows the fire department to render even better service to the municipal residents.

Fire Prevention Codes. The city ordinances that deal with fire matters are: (1) the fire prevention code, which includes regulations for the handling of hazardous materials and for the installation of fire protection equipment, and (2) the building code, which includes requirements governing structural design, arrangement and protection of buildings.

The municipality should adopt a fire prevention code that brings together all municipal ordinances dealing with fire safety into one source. Such a code is necessary for effective regulation of fire hazards and to give proper authority to fire officials.[34] The absence of legal backing, when there is no code, is an inducement to neglect fire hazards, which greatly increases the problems of providing effective fire protection. A code similar to the Fire Prevention Code recommended by the American Insurance Association or the National Fire Protection Association and a standard building code, such as the National Building

Code, should be adopted by the municipality.

Fire Insurance Rates. Fire insurance rates on private property are directly affected by the quality of the municipality's fire protection. The effectiveness of a city's fire defense is measured in terms of the Standard Grading Schedule of the American Insurance Association. Cities are classified in one of ten grades. The grade is determined by evaluating the status of the city's water supply system, fire alarm system, fire department, building conditions and other factors relative to the city's fire defense. The policies, procedures and standards of the fire department have a definite bearing on the underwriters' rating of the city. Thus, all policies should be reviewed by the appropriate agency (by the American Insurance Association for cities over 25,000).

Recreation

The provision of adequate recreational opportunities and well-planned recreational facilities and programs is another important function of municipal government. An effective public recreation program has a positive influence on other areas of municipal responsibility. Of particular importance is the effect of recreation in reducing crime. Recreation facilities and programs can assist in attracting new industries to the area. Well-rounded recreation programs help mold the character and spirit of the community.[35]

Recreation Program. The first step in providing recreational services for the community should be the development of a sound recreation program which recognizes the many recreational needs of the municipal residents. The next step should be the acquisition of land and the provision of the facilities required by the program.

The municipality should maintain a year-round recreation program administered by a department headed by a professional director. The recreation program should include: (1) athletics, sports and games; (2) arts and crafts, music, drama and dancing; (3) nature and camping activities; (4) social recreation, such as special programs for the aged, and (5) special events, holiday observances, forums and discussions.

Recreation Service Policy. Municipal recreation programs should be organized and operated as much as possible by the municipal residents with the department providing guidance and trained personnel where necessary. The city's recreation program should strive to involve all residents and develop leadership among its citizens.

Adult participation is the key to wholehearted municipal support of the recreation program. Extensive opportunities for adults should be available in such varied activities as ceramics, bridge, softball, touch football, dancing and arts and crafts.

The recreation department should cooperate closely with school authorities to make the facilities of the public school system available for recreational purposes and, in turn, the park facilities should be used to augment the educational facilities of the schools.

A policy should be formulated that provides equality of recreational opportunities for all and distributes existing and proposed recreation facilities throughout the municipality. A policy should be developed for the acquisition of land for parks and recreation sites as part of the recreation program.

The proper use and safety procedures for all facilities should be determined. Parks and other recreation facilities should be carefully

planned and coordinated with both present and future land uses in the surrounding area. The protection of recreation areas and their continued use will require coordination with the city's land use plan and zoning ordinance.

Recreation Financing. The city should attempt to provide its recreational facilities and activities to the public free of charge. If fees are required in order to maintain a sufficient operating budget, the fees should be charged for those facilities that require a considerable capital investment and are used by a limited number of people, such as golf courses and swimming pools.

A major portion of the operating budget for public recreation programs is usually allocated from city and county general funds. A number of public recreation and park agencies use a special recreation tax to augment their funds.[36] Funds are also received through contributions or gifts and through county supplements to city-sponsored recreation programs. In fact, county supplement of city-sponsored recreation programs provides an ideal opportunity for the county to return some of the money collected from city residents for county services but which are not provided for city residents, such as county road construction.

CHAPTER IV

SERVICING THE URBAN FRINGE

The urban fringe dweller has several alternatives for securing municipal-type services. These are: (1) private enterprise, (2) special districts, (3) county government (4) municipal government or (5) a combination of the above. This chapter presents the advantages and disadvantages of each alternative and recommends that the municipality extend its services to fringe residents on the basis of sound municipal service policies as suggested in the previous chapter.

Non-Municipal Provision of Services

Three common methods for providing services to fringe residents other than by the adjacent municipality are by private enterprise, by a special or multi-purpose district, or by the county. Each method has serious deficiencies that more than offset its advantages.

Private Enterprise

The typical services provided by private enterprise in fringe areas include refuse collection and fire protection, usually financed on a subscription basis. Normally, refuse collection services are paid for by the fringe resident on a flat fee per month basis. Sometimes fringe residents form private volunteer fire companies financed from subscription dues or fees.

The one advantage of having private enterprise render services in fringe areas is that the resident is required to pay the full cost of

the services received. The disadvantage of the private enterprise alternative is its voluntary nature. The property owner has the option of receiving or refusing the service. Consequently, certain properties in the fringe receive municipal-type services while others do not -- this is contrasted with uniformity in the provision of services within the city limits. The option of choice leads to many problems. In the case of refuse collection, a health problem may be created if some residents choose to have the service provided while other residents dispose of refuse by their own means, which are often unsanitary. Fringe residents who choose not to subscribe for fire protection risk the loss of their property and possibly the properties of neighbors by fire.

Since the full range of urban services cannot be provided uniformly by private enterprise, little concern is given for the total public interest or for the health and welfare of the total community. Services provided by private enterprise are often piecemeal and substandard. For these reasons, the municipality should discourage the provision of fringe services by private enterprise wherever possible.

Special Districts

A special district is a governmental unit designed to provide one or more municipal-type services over a defined service area without regard to boundaries of existing local governmental units. Most states permit the formation of special districts, limit the tax millage that can be charged and define the powers of the district for borrowing money and contracting debts. The typical services provided through special districts include water supply, sewerage and fire protection.

The special district permits the cost of providing a service to be

borne by those who benefit directly. It is not necessary to include within a district any portion of a county or incorporated place which is not interested in receiving the proposed service. However, the special district has several major disadvantages. It encourages divided governmental authority where unified action is usually necessary. The district does not replace any unit of local government but instead, adds to an already complex governmental pattern. Since it is very unlikely that a single- or dual-purpose district will eventually change to a multi-purpose district, effective coordination of services within the area is very complex, if not impossible.

As described by one source, although the use of special districts is widespread in our metropolitan areas, close examination of their operations reveals that they are deficient in at least four major respects[37]:

(1) With rare exceptions, they have failed to include within their boundaries the entirety of the metropolitan areas in which they have been established;

(2) They have been unable to keep pace with territorial growth of their metropolitan areas after their initial establishment;

(3) In most cases, they have assumed only one function and have remained unifunctional since their inception;

(4) They are ineffectual in coordinating the planning of their projects in relation to the totality of projects planned or undertaken by other governments in the area.

Special districts offer no long-range answer to the problems of the urban fringe. The most that can be expected from their use is a temporary solution to a few immediate problems. Therefore, the municipality should discourage the provision of fringe services by special districts. If the city and the county assume their proper responsibility

for servicing the fringe area, the need for special districts can generally be eliminated.

County Government

Many fringe residents are receiving municipal-type services from county governments. Examples of such services include street maintenance, street cleaning, drainage and police protection. The disadvantage of county provision of fringe area services is that the county is furnishing services in both rural and urban areas. Often, the county spends a disproportionate share of its revenue on the higher-density unincorporated fringe areas than it spends in the remainder of the rural county.[38] Still more often, the level of service provided by the county government is inadequate to meet the multiple demands for urban-type services made by the fringe residents.

In spite of the problems with county provision of services, if the county does provide a number of services to fringe residents, consideration should be given to the establishment of standards for urban-type services. This would eliminate many of the problems that arise when fringe areas with substandard services are incorporated into the municipality. Comprehensive standards for such services as water and sewerage, refuse collection, police and fire protection and recreation should be adopted by the county government in cooperation with its municipalities. Consideration should also be given to the adoption of a policy for providing urban-type services within a fringe area when it reaches a specified density.

Municipal Provision of Services

In most cases, urban fringe development requires urban-type services that can be furnished most efficiently and most economically by the adjacent municipality. The city may provide services to fringe areas by: (1) contracting directly with individual fringe residents; (2) contracting with the county to provide services within a designated fringe area; or (3) entering into an agreement with the county to jointly provide a service or services. One of the most frequently used methods of providing fringe services has been the sale of services by the municipality to the county or directly to fringe residents. For example, a survey of approximately 200 Georgia cities by the Georgia Municipal Association revealed that 55 percent of the responding cities furnish municipal water service to fringe residents, 34 percent provide fire protection service and 24 percent extend sewer lines to fringe residents.[39]

Before the municipality extends services outside its corporate limits, it should develop proper attitudes among officials and citizens and should formulate basic policies for the extension of services to unincorporated fringe areas.

Attitude Development

One of the most important considerations in formulating an extension policy is the development of proper attitudes among the governmental officials and citizens involved. A large part of the urban fringe problem exists because the residents of the municipality and of the fringe consider themselves as separate entities. Most city residents have little concern for fringe residents; most fringe residents desire no part in city activities -- in fact, this is the very reason a majority of fringe

residents originally moved to the unincorporated area. The seriousness of the problem is often revealed when the municipality attempts to expand its corporate limits and meets strong resistance from fringe residents.

The responsibility falls on the municipality to develop a mutual understanding among governmental officials and both inside and outside residents as to the future growth of the city and the need for extending municipal services and periodic expansion of the corporate limits. County officials and fringe residents should be well-informed of the advantages of receiving the full range of urban services provided by the city; they should be made aware of the many problems caused by unplanned and incompatible development in most fringe areas. The municipality should provide for its fringe residents a complete analysis of the services it furnishes, comparing the costs of each service against the benefits received.

Both municipal and county officials as well as the residents of the city and fringe should be aware that annexation is an integral part of the city's overall land development program and should be a by-product of the continuous process of extending municipal services into unincorporated fringe areas. The municipality should communicate its development objectives and service policies to fringe residents by using brochures, newspapers and public meetings so that the residents clearly understand the city's policy for expansion and annexation. At the same time, inside residents should be assured that the extension of services or the annexation of a portion of the developing fringe will not lower service standards within the city.

Service Extension Policy

The extension of municipal services should be based on the service policies and standards that apply within the corporate limits. When the city extends its services to fringe areas, it should always have periodic annexation as its ultimate goal. If not, the city may eventually find itself surrounded by totally developed unincorporated areas provided with all the needed municipal services and with no desire to become a part of the city. For this reason, the municipality should: (1) carefully determine the rates for providing outside services so the incentive to join the city is promoted and (2) be granted the power through state legislation to annex fringe areas when certain predetermined conditions are met, such as the attainment of a population density common to a typical incorporated area. The first point is discussed below. The second point is discussed in the following chapter.

Where cities render outside services, many have failed to conduct sufficient analyses for determining a proper charge for such services. The fringe resident should be required to pay the actual cost of the service received. Therefore, a financial analysis should be made of each municipal service to determine a charge for outside service that will make the extension economically sound. The procedure used to determine a suitable charge for extending a particular service follows:

(1) The municipality should determine the total cost of the service, including the capital investment. Fringe residents should pay not only for the operating costs of a service but also for a portion of the original and current capital costs of the system;

(2) From the total service cost, the cost per connection (for utilities) or per capita (for other services such as police and fire protection) can be computed;

(3) Based on the service cost per connection (or per capita) and including a portion of the capital investment, a suitable charge can be determined for outside service.

Because fringe residents are paying a portion of the capital expenditure which may have already been paid by municipal residents and because development may be more dispersed, service rates for fringe residents will generally be higher than rates for municipal residents.

In considering the financing of city service extensions, all revenue sources from a fringe area to be provided with city services should be considered and the overall picture evaluated in determining whether or not the municipality can recoup its investment in a reasonable number of years.

Several other basic requirements should be considered in establishing a service extension policy. The legal authority for the provision of a particular fringe service should be determined prior to its extension. The authority to extend a service beyond the corporate limits is usually found in the municipal charter. If the charter does not contain such authority, the general assembly should be requested to amend the charter to authorize the provision of outside service.

The service extension policy should specify details for all outside service extensions, method of payment, cost of extensions and conditions for extensions. The policy should reflect the municipal goal to properly transform a fringe area lacking in many municipal services into a fully developed residential neighborhood with all services provided.

Basic policies for the extension of each major urban service to fringe areas are presented below.

Water and Sewer Service. Various motives are involved in the

extension of water service to the urban fringe. Probably one of the most significant is that of increasing revenues by excessive charges to customers living outside the city limits. Another motive for extending water service is that eventual annexation of fringe areas would require the extension and there is no reason why the municipality should wait until the area is a legal part of the city before it extends its service. The extension of water service can often prevent the incorporation of the fringe as a satellite community or the formation of special districts. It also promotes public health and fire protection by the municipal fire department.

The extension of sanitary sewerage service also has advantages to the municipality. Public health is promoted most effectively by adequate sewage disposal for the entire urban area, not just within the corporate limits.

If the city has formulated detailed policies for the extension of utilities inside the city, as recommended in the previous chapter, the same policies can govern the provision of outside water and sewerage services. The developer, of course, should be required to pay the entire cost of installing water and sewer lines of the required size to serve his subdivision. He should be reimbursed only under certain situations, as explained in the water extension policy of the previous chapter. Dedication of the facility to the city should be required upon completion.

Charges for water and sewerage service should include daily operating costs and amortization of the capital cost of the extension, a prorated share of the capital costs of the total plant valuation and a share of future additional plant costs required to serve all of the water

and sewerage system customers.

The municipality should have a long-range plan for the development and financing of its water and sewerage systems so that it can keep well ahead of demands. Neither water supply and treatment nor sewage disposal can be secured overnight.

Several types of city-county cooperative arrangements can be used to finance and operate utilities in fringe areas.[40] In Cobb County, several cities and the county have jointly undertaken the provision of sewage treatment facilities. The city of Rome sells water to Floyd County at wholesale rates while the county installs and maintains the water lines at its own expense. In Griffin and Spalding County, the general bonding capacity of the county has been used as a basis for expanding the municipal utility system into fringe areas. The voters approved a county-wide bond issue to provide for extension of water mains into pre-defined areas of the county. The mains will be extended from the city-owned utility system. The city will meter and bill the outside customers and pay to the county a portion of the utility revenue for retirement of the bonds.

Fire Protection. The demand for fire protection services by fringe residents is rapidly increasing. Many cities regard the provision of fire protection service to fringe areas a necessity since there often is no other agency either equipped or empowered to render the needed protection.

The provision of outside fire protection many times creates a problem for the municipality. The fire equipment and personnel are provided and maintained by the taxpayers living within the city and it is essential that they be assured of full protection. Less protection is

afforded when equipment responds to outside calls. Also, outside service is more costly to the municipality because the average length of a run is longer, roads are in poorer condition and runs are often made for small brush fires. The essence of the problem, therefore, is not to weaken the fire fighting facilities of the governmental unit that pays for the service to aid one that does not. When providing outside service, the city should be careful not to jeopardize its fire defenses and insurance ratings. Any expansion of the territory served by the municipal fire department will most likely require the provision of additional manpower, equipment and possibly fire stations.

Fire protection should be provided by the municipality only where a public water supply of adequate capacity and pressure is available. Portions of the urban fringe to be served should be delineated and desirably the county would contract with the city for fire protection services. The same fire protection service should be given to fringe areas as to the city.

Fire protection in fringe areas can be financed in a number of ways. Many cities charge a flat rate for answering outside calls. Charges range anywhere from $50 to $300 per call.[41] The charge may be collected by requiring advance cash deposit, insurance to cover cost or contractual arrangement with the property owner. The disadvantage of such an arrangement is that fire protection is not mandatory. A better arrangement is to provide fire protection service under contractual agreement between the city and county. The city provides the service to fringe areas and is reimbursed by the county, which may purchase equipment for city use or may contribute a specified percent to the city's annual fire protection

budget. Rome and Floyd County have a contractual arrangement under which the county purchases fire trucks which are rented to the city. The equipment is manned by city firemen and used at the city's discretion. The county also contributes to the city's fire protection budget. Fulton County and Atlanta have a contractual arrangement under which fire protection is furnished at a specified rate based on assessed value of property.[42] Other arrangements include: (1) the county can pay the city a specified amount per outside call, (2) the city and county may jointly own fire equipment and facilities and (3) the city may cooperate with forestry units to provide fire protection.

Refuse Collection and Disposal. The recommended policies for refuse collection and disposal within the municipality should be extended to the urban fringe. Refuse collection services to fringe residents should be financed by a special service charge, preferably collected on the water or utility bill. The charge should be based on the average volume of refuse collected and the average hauling distance, which means the charge will generally be higher than that for refuse collection within the city if fringe development is sparse and long hauling distances are required. If a developing fringe area desires city services, refuse collection service should only be extended after contractual arrangements have been made with the county for city extension of water and sewerage service.

Police Protection. The interest of cities in police protection for fringe areas is twofold. First, it is neighborly of the city to offer protection to residents adjacent to the corporate limits. Second, by enforcing laws and ordinances in the fringe, the city can prevent

violations that would complicate law enforcement within the city itself. It is far better to have a single coordinated police force serving an entire urban area than to have separate forces operating on either side of an arbitrary boundary.

The cost of providing police protection service to fringe residents should be paid under contractual arrangements with the county. The city should agree to furnish adequate police protection within the designated fringe areas and be reimbursed by the county on a monthly basis for its services.

In Georgia, probably one of the most widespread examples of intergovernmental cooperation is in law enforcement. Cities and counties cooperate in the: (1) joint use of communications facilities, (2) use of the same jail, (3) use of joint training facilities, (4) joint maintenance of records and (5) cooperative control of public events. In Americus, telephone communications are shared between city and county police departments. In Griffin-Spalding County, the city police department uses the county jail to hold juveniles and white females. In Augusta, the county sheriff's department uses the city police department's firearms and training range.[43]

In the case of extreme emergencies such as train wrecks or airplane crashes, most police departments will send available personnel outside the city limits. It is common for municipal police to go beyond their jurisdiction at the request of law enforcement officers of the county or state.

Street Construction and Maintenance. When streets are constructed in urban fringe areas, they are built in most cases either by private

developers or by the county. Two problems usually arise from the county provision of streets in urban fringe areas. First, it is difficult for the county to justify spending large sums of county road money in a single section of the county. Second, county roads are often built at a lower standard of construction than municipal streets. Street paving and drainage on existing streets, however, should be accomplished by the county using the same policies and standards as the municipality.

When streets are constructed in the urban fringe by private developers, they should be required to meet municipal standards as contained in the subdivision regulations. As a condition precedent to the extension of outside water and sewer and other services, the municipality should require the developer to design, layout and construct streets in conformity with the city's street improvement standards. This will afford the city essential control over the pattern of fringe development and its coordination with municipal development.

The provision of street maintenance in fringe areas beyond the corporate limits is generally the responsibility of the county government and outside the jurisdiction of the municipality.

Recreation. The municipality has several alternatives for providing recreational facilities and programs for fringe residents. One alternative is to have the city recreation department provide services and facilities for the entire county. The county reimburses the city for a portion of the financing of the recreation program.

One of the most successful methods of providing recreation services to fringe residents is through the administration of a joint recreation program by a city-county recreation board. Several cities and counties

in Georgia have utilized the present legislative authority to create such programs and have established joint recreation programs, which maintain county-wide facilities such as recreation centers, playgrounds and parks. Examples of cooperative city-county recreation programs are found in Griffin-Spalding County, Cordele-Crisp County and Milledgeville-Baldwin County.[44]

If the above policies and recommendations are followed, urban fringe areas can be periodically added to the city with minimal cost and disruption. In the meantime, fringe residents are receiving and paying for essential public services.

CHAPTER V

RECOMMENDATIONS

In conjunction with the adoption of service policies for both the municipality and its adjacent fringe areas, the municipality should work toward either annexation of the developing urban fringe or the total unification of city and county governments. The steps thus far recommended should be followed as the city and county work toward a comprehensive solution to the fringe problem. This chapter discusses the merits of both annexation and city-county consolidation, and recommends needed state legislation that will equip cities and counties with a set of effective tools to deal with problems of urban fringe development.

Annexation

The economic growth of the municipality depends upon periodic expansion of its boundaries to include the development in its fringe areas. The health, safety, welfare and prosperity of the entire community require that urban development in fringe areas share in the advantages offered by the city and at the same time participate fully in the cost of municipal operations. The municipality should, therefore, develop a definite annexation policy and a continuing annexation program within the framework of its comprehensive plan. Annexation should not be a measure taken once every ten years; it should be a continuous process of expanding municipal boundaries, government and services into unincorporated urban areas in response to community needs.

If the procedural steps and annexation legislation thus far recommended have been followed, the final step of annexation should be an easy one for both the municipality and the fringe residents. It will have been anticipated by both. The fringe area will have been developed at municipal standards and many city services will already have been provided. If the previous steps have not been followed, the fringe area may be poorly developed and it may prove extremely difficult and costly for the city to bring the fringe area up to municipal standards.

Annexation Policy and Program

Several basic principles should be included in an effective annexation policy. The first basic principle is that annexation should be general and not selective. Decisions for annexation should therefore not be based solely upon the quality of existing services or the taxable possibilities of a given fringe area. If poorly developed areas are not improved they become increasingly hazardous to the city. Often, annexation is the only available means by which fringe areas can be promptly and completely improved. In fact, the adverse effect of substandard fringe development can be more costly than considerable subsidy by the city after a substandard area is annexed.

Another basic principle is that annexation should be undertaken when the fringe is developing, before it becomes substantially urbanized. This, of course, will allow the municipality proper control over fringe areas at the time when control is most effective. The annexation program of the municipality should always keep one step ahead of population growth. Ideally, the city should extend its services to fringe areas as they begin developing. The services provided by the city should be based on

municipal service policies and standards. The development in such fringe areas will be compatible with municipal development and will require a minimum cost for additional services, facilities and improvements. If annexation keeps pace with development, the city can maintain an effective policy of extending services outside the corporate limits; long-term contracts to furnish outside services should be avoided since they may remove the need or motive for annexation.

If the city's annexation program is too ambitious, it will result in a high cost to the city to provide the necessary services within partially developed areas. If an annexation program is lacking, the city may eventually find itself surrounded by fully developed unincorporated fringe areas, blocking any attempts at city expansion. Annexation after the fringe is fully developed can be a difficult decision for the city to make -- even if fringe residents are willing. If the fringe has developed with little or no control, the city will then fall heir to all the problems of misdirected growth.

A third principle to be included in an annexation policy is that annexation should conform to sound financial planning. If areas in the urban fringe are partially or fully developed, they should be absorbed into the city when a full complement of municipal services can be provided to fringe residents without delay and within the financial capability of the city. If areas of the fringe under consideration for annexation are predominantly vacant, the city should be prepared to extend the necessary services as the area develops and urban-type services are required.

A fourth principle is that annexation should always be based on a

positive and effective public relations program. Annexation should be continuously "sold" to the fringe resident. He should be informed of exactly how annexation can benefit him. He should know if, and how much, his taxes will increase; at the same time, he should be informed of the new services he will receive, special costs that would be eliminated, the probable increase in his property value, reductions in his fire insurance rates and his right to a voice in governing the community of which he is a part. The municipality might distribute a pamphlet which would effectively compare the costs of governmental services against the many benefits. An excellent illustration of such a publication is included in the Georgia Municipal Association's A Manual on Annexation.[45] It is essential that the municipality make the benefits of annexation sufficiently attractive to offset the prospect of higher taxes.

Methods of Annexation

There are a number of methods by which unincorporated territory may be annexed into the corporate boundaries of a municipality. The two basic methods are: (1) annexation by special act of the state legislature and (2) annexation under general legislation.

Annexation by special act requires that the city's charter definition of the corporate limits be amended to include the territory to be annexed. This method depends upon the assent of the legislators from the district in which the municipality is located and often requires the consent of the residents in the area to be annexed. Numerous political problems are involved in obtaining this type of legislative action, especially if the fringe residents are opposed to being brought into the city. A referendum is often used, which may require the approval of a

majority of the total vote of both city residents and residents of the territory to be annexed. Alternatively, referenda in both the area to be annexed and in the city may be required, with a favorable majority vote in both areas necessary for approval of the annexation. Finally, a referendum held only in the area to be annexed might be used.

A second widely-used method of annexing property is under general legislation, which may include annexation by referendum, annexation by local ordinance based on a petition by fringe residents and annexation by local ordinance based on statutory standards. Annexation by referendum has the same complications as those that occur when a referendum is used under a special act. Annexation by local ordinance based on a petition usually requires the consent of at least 60 percent of the property owners within the area to be annexed. None of these methods of annexation has proven fully effective in alleviating the urban fringe problem. Since popular approval of the annexation is usually required -- not only in the city but more importantly in the area to be annexed -- many attempts at annexation have been easily defeated. Municipalities need a method of annexation that permits the city to expand its corporate limits without allowing public interest to be subordinated to the interests of small groups of residents living adjacent to its borders.

For this reason, a third variation of annexation under general legislation -- annexation by local ordinance based on statutory standards -- is strongly recommended. This type of annexation allows municipalities to annex by ordinance contiguous unincorporated fringe areas subject to certain statutory standards defining the character of the area to be annexed, determined as findings of fact by the municipal governing

authority (namely, that the area has a specific population density and a specific percentage of its land is subdivided into lots and tracts) and subject to the city's ability to provide services as shown in a formal report setting forth plans to provide services. The entire procedure is subject to judicial review via property owner's petition to the superior court of review of the governing body's action. Annexation according to statutory standards and the city's ability to serve the area is currently authorized in nearly half of the states.[46] The basic content of the suggested legislation is included in Appendix D.

In spite of the relative success that the above recommended method of annexation has had in states such as North Carolina and Tennessee, annexation as a comprehensive solution to the urban fringe problem does encounter some difficulty. More and more metropolitan communities are finding large-scale annexation almost impossible to attain as fringe areas continue to grow at an increasing rate. For this reason, some metropolitan areas have turned to other solutions involving larger areas of administration than that of the central city.

Consolidation

A second alternative toward which the city and county may work is consolidation. Two types of consolidation are functional consolidation, which involves the unification of one or more city and county departments, and total city-county organizational consolidation, which involves the extension of the corporate limits of the central city to the county limits and the merger of the two governments.

Functional Consolidation

Functional consolidation is usually achieved by the joint city-county operation of a department or by transferring a function from the city or cities to the county. Examples of functional consolidation might include the formation of a joint city-county recreation department or the establishment of a county-wide health department.

If total city-county consolidation is being considered, the county and its cities might appropriately:

1. Initially develop functional consolidation by contract for the performance of one or more governmental functions by a single unit. If over-lapping functions of the city and county, such as fire protection, police protection and recreation are consolidated individually over a period of time, city and county residents will begin to see the benefits of consolidation and the transition to total unification can be greatly simplified.

2. Conduct a comprehensive and detailed survey of the attitudes of both municipal and county residents.

3. Attempt to alleviate any fears or inhibitions expressed by residents through a public relations program designed to explain the advantages and disadvantages of city-county consolidation.

It is readily apparent that total city-county unification cannot be accomplished in a short period of time, but requires sufficient time for the attitudes and feelings of people to change and adjust to a new idea. Several cities and counties in Georgia have given consideration to either the feasibility of total unification or the consolidation of specific over-lapping governmental functions. Among these are: Athens-Clarke County, Atlanta-Fulton County, Augusta-Richmond County, Brunswick-Glynn County and Columbus-Muscogee County. All have completed comprehensive inventories of all city and county services. Macon-Bibb County

and Rome-Floyd County are currently investigating possibilities for consolidating city and county functions.

Organizational Consolidation

The advantages of creating a unified government through organizational consolidation are readily apparent; the competition between the city and the county for servicing -- and taxing -- the fringe areas would be eliminated. Area-wide problems that affect residents of the municipality, fringe and the remainder of the county could be attacked and solved by one unified government.

Of course, organizational consolidation has several major complications. First, it is difficult to accomplish politically -- unless both city and county officials can be convinced that consolidation is so advantageous that the present governmental structure used for many years should be merged or modified. Second, it is extremely difficult to gain public support from city and county voters for such an innovative proposal. Third, organization consolidation involves extensive legal groundwork, and constitutional obstacles and the lack of legal precedent tend to tie up such consolidations in litigation for many years.

A method of using the best features of both annexation and organizational consolidation has been successfully used in a plan of metropolitan government for Nashville-Davidson County, Tennessee. In the Nashville-Davidson County merger, in addition to the creation of a single municipal-type government for the entire county, two service districts have been established: a general services district consisting of the total area of the city and county, and an urban services district consisting of that part of the general services district requiring urban-type services.[47]

The general services district includes those services which are required on an area-wide basis such as schools, highways, fire and police protection, and recreation. In addition to the area-wide services, the urban services district receives certain urban services such as sewers, street lighting and increased fire and police protection.

Each service district has a tax levy set in proportion to the cost and level of services provided. As areas within the general services district come to need urban services, the urban services district is expanded by action of the Metropolitan Council. The Nashville-Davidson County plan has all the benefits of consolidation plus the added benefits of utilizing two service districts. With this plan, it is possible to avoid taxing parts of the metropolitan area for urban services until such services are actually provided. The tax levy at all times reflects the cost of the services received. By planning for the expansion of the urban services district on a scheduled timetable basis, each area of expansion is served within a short period of time and the gradual extension of services is made on an economically sound basis.

The major obstacle to the creation of such a consolidated metropolitan government is the inadequate administrative and legislative structure of the county as it exists today.[48] With the help of a general enabling act -- as passed in Tennessee -- it is possible to overcome obstacles such as the independent elective officers, boards, committees, the absence of a single chief executive, and a cumbersome legislative body. A summary of the required legislation that would encourage the consolidated metropolitan form of government is included in Appendix E.

Needed Legislation

If the many problems of the urban fringe are to be solved through the coordination of municipal and fringe development, the provision of municipal services to fringe residents, and the prevention of substandard fringe growth, several modifications in state legislation are recommended for consideration:

1. Municipalities should be granted extraterritorial powers enabling them to plan and to enforce zoning, land subdivision regulations and other codes in designated urban fringe areas, whenever the county fails to do so. Through extraterritorial planning and zoning, cities and counties could work out one of the most effective arrangements for controlling the rapidly developing urban fringe. In this manner, the basic responsibility for urban growth can be centralized and the municipality, which is in the best position to guide fringe development, can coordinate fringe growth with its own growth and development. A number of states including Tennessee, North Carolina, Virginia, Nebraska and South Dakota have adopted statutes granting extraterritorial powers to their cities. The basic requirements of the legislation recommended are outlined in Appendix A.

2. Municipalities and other local governmental units should be authorized to enter into both joint agreements and interlocal contracts. Agreements and contracts are without doubt the most widely used formal method of cooperation between local governments and can provide an effective, immediate solution to problems of servicing the urban fringe. They can be used to accommodate the service needs of an area without affecting the basic governmental structure. Consequently, needed services can be provided without waiting for long-range governmental reorganization decisions which ultimately may be necessary. The basic requirements of the legislation recommended are presented in Appendix B.

3. Legislation should be passed to minimize the creation of special districts and to increase their effectiveness once they have been formed. Special districts do, in some cases, play a necessary and essential part in our governmental structure by rendering a needed service which is not performed by other governmental agencies. However, the number of existing districts and enabling acts far exceed that which is necessary or feasible.[49] A lack of planning exists regarding the formation and consolidation of special districts. They are often formed where there is no need for a

new district, where annexation to an existing district would better serve the interest of the public, or where use of a multipurpose district would accomplish the purpose.[50] In fringe areas, the use of special districts has usually proven to be merely a stopgap measure taken to avoid annexation.

Legislation will not in and of itself solve the problem. The use of the existing enabling acts by local officials must be with the knowledge that the welfare of the entire region, and not simply that of the proposed service area, is at stake. The proposed legislation to control special districts is presented in Appendix C.

4. Municipalities should be authorized to annex contiguous, unincorporated territory by city ordinance, based on certain statutory standards and the ability of the city to provide the necessary services. Such a method would allow the municipality to effectively expand its city limits when it is determined that the annexation would be beneficial to the entire urban area, and the city would not be restricted by small groups of residents living in areas adjacent to its borders. The basic content of the proposed legislation is presented in Appendix D.

5. Legislation should be passed enabling a city or cities and the county in which they are located to create a charter commission to draft a charter for a consolidated city-county government. Making the enabling legislation a general act rather than a private act would most likely permit the modification of other state general laws, affecting cities and counties, so that city-county consolidation would be encouraged and other general laws could be adjusted to accomodate this form of government. The basic provisions to be included in a general enabling act are presented in Appendix E.

The above state legislation would equip cities and counties with a set of effective tools to deal with problems of urban fringe development. Each type of legislation suggested for consideration reinforces the recommended procedure for solving the fringe problem that has been presented in this thesis.

Because problems of the fringe quickly become problems of the municipality and because the economic growth of the municipality may

virtually depend upon sound fringe development, the municipality should take the initiative in solving the urban fringe problem. By following the recommended procedure in this thesis and by encouraging the adoption of the specific types of suggested state legislation, many cities will be equipped for the first time to cope with the urban fringe problem in an orderly, planned manner.

APPENDICES

APPENDIX A

EXTRATERRITORIAL PLANNING LEGISLATION

The basic requirements of the proposed extraterritorial planning legislation are presented below:

1. Standards for Unincorporated Area: In order for the governing body of any municipality to exercise extraterritorial powers in any portion of the unincorporated fringe area, the area must meet the following standards:
   a. Have a total resident population of at least 200 persons; and
   b. Have an average resident population of at least 200 persons per square mile for the total area.

2. Grant of Authority:
   a. Planning. In any county not having a county planning commission with jurisdiction in the unincorporated territory within one mile of the corporate limits of any municipality, the governing body of such municipality may exercise its comprehensive planning powers, not only within its corporate limits but also within one mile in all directions of its corporate limits.
   b. Zoning. In any county not having county zoning regulations applicable to the unincorporated territory within one mile of the corporate limits of any municipality, the governing body of such municipality may exercise its zoning powers, not only within its corporate limits but also within one mile in all directions of its corporate limits.
   c. Subdivision Regulation. In any county not having subdivision regulations applicable to the unincorporated territory within one mile of the corporate limits of any municipality, the governing body of such municipality may exercise its powers of subdivision regulation, not only within its corporate limits but also within one mile in all directions of its corporate limits.
   d. Codes. In any county not having building, housing, electrical, gas and plumbing codes applicable to the unincorporated territory within one mile of the corporate limits of any municipality, the governing body of such municipality may apply the various codes of the

municipality, not only within its corporate limits but also within one mile in all directions of its corporate limits.

3. Boundary Lines: In the case of unincorporated territory lying within a distance of one mile from more than one municipality, the jurisdiction of each such municipality shall terminate at a line equidistant from the respective corporate limits or at such line as agreed upon by the respective governing bodies.

4. Representation on Boards and Commissions:
   a. Planning and Zoning. Before extraterritorial powers can be exercised, the membership of the planning commission shall be increased to include additional members representing the outside area. The number of additional members shall equal in number the members of the existing planning commission appointed by the governing body of the municipality. Such members shall be residents of the one mile area outside the corporate limits and shall be appointed by the board of county commissioners; if the county commissioners fail to appoint the additional members within 45 days from the time requested to so do by the municipal governing body, then the latter shall make the appointments. Such members shall have equal rights, privileges and duties in all matters pertaining to the plans and regulations of the unincorporated area.
   b. Zoning Appeals. In the event that a municipal governing body adopts zoning regulations for the area outside its corporate limits, it shall increase the membership of the existing board of zoning appeals by adding additional members equal in number to the members of the board appointed by the governing body of the municipality. Such members shall be residents of the one mile area outside the corporate limits and shall be appointed by the board of county commissioners; should the county commissioners fail to appoint the additional members within 45 days, the municipal governing body shall make the appointments. Such members shall have equal rights, privileges and duties in all matters pertaining to the regulations of the unincorporated area.

5. Enforcement: Any municipal governing body exercising the powers granted by such legislation may provide for the enforcement of its regulations for the outside area in the same manner as the regulations for the area inside the municipality are enforced.

APPENDIX B

JOINT AGREEMENT AND INTERLOCAL CONTRACTING LEGISLATION

The basic content of the recommended legislation[51] for joint agreements and interlocal contracting is outlined below:

1. Interlocal Agreements:
   a. Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state [having the power or powers, privilege or authority], and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.
   b. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.
   c. Any such agreement shall specify the following:
      (1) Its duration.
      (2) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.
      (3) Its purpose or purposes.
      (4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
      (5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
      (6) Any other necessary and proper matters.
   d. In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items 1, 3, 4, 5, and 6 above, contain the following:

(1) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.
(2) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

e. No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performances may be offered in satisfaction of the obligation or responsibility.

f. Every agreement made hereunder shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted to him hereunder unless he shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within [ ] days of its submission shall constitute approval thereof.

2. Filing, Status, and Actions: Prior to its entry into force, an agreement made pursuant to this act shall be filed with [the keeper of local public records] and with the [secretary of state]. In the event that an agreement entered into pursuant to this act is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

3. Appropriations, Furnishing of Property, Personnel and Service: Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or

administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

4. Interlocal Contracts: Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which [[each public agency] or [any of the public agencies]] entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

APPENDIX C

LEGISLATION TO CONTROL SPECIAL DISTRICTS

States should enact legislation to provide that:

1. No special district be created prior to review and approval by a designated agency consisting of representatives of the county or counties and cities within the county or counties, within which the proposed district will operate. Creation of districts undertaking functions of statewide concern should be approved by an appropriate state agency.

2. Prior to granting consent to the creation of a special district, municipalities, counties, and existing districts within a designated number of miles should be officially notified of the proposal with a view of ascertaining whether they are willing and able to make arrangements for providing the service; and where such willingness and ability are expressed, the district not be created.[52]

3. All districts should be required to report their financial transactions yearly to the auditor of the county, or counties, in which they are located and to a designated state agency which should require budgets and accounts of special districts to be maintained according to uniform procedures.

4. All districts should be required to notify an appropriate state agency on their formation, annexation, withdrawal of territory, consolidation and dissolution. If a special district is inactive for a specified length of time, it should be automatically dissolved.

5. A simple procedure should be provided for consolidation of special districts performing the same or similar functions and for permitting an appropriate unit of general government to assume responsibility for the function of the special district when it is determined by the designated agency in (1) above that the district is no longer needed or that the services can be more effectively performed by another unit of local government.

6. Procedures for adding functions to a special district subsequent to its incorporation should be simplified so that expansions of existing districts are encouraged rather than the formation of new ones. It should be easier to delegate functions to an existing entity than to incorporate a new one.

7. The territory included in a special district should be contiguous and only adjacent political subdivisions be permitted to annex into the district. Wherever possible, district boundaries should be drawn so as not to cut through or divide the territory of a municipal corporation or other defined unit of local government.

8. Minimum area and population requirements should be established for all special districts to discourage the proliferation of many small single function districts which only complicate the governmental structure in metropolitan areas and prevent the adoption of area-wide solutions.

APPENDIX D

ANNEXATION LEGISLATION

The basic content of the proposed annexation legislation is briefly outlined as follows:

1. Ability to Serve: The municipality must first demonstrate its ability to serve the areas proposed for annexation through the preparation of a report setting forth plans for providing services to such areas. This report would include maps of the municipality and the area proposed for annexation and a statement setting forth in detail the plan of the municipality for extension of the major municipal services to the area proposed for annexation. Such services must be provided to the annexed area in the same manner and under the same policy as these services are being provided in the municipality. In case water and sewer services are not already available in the proposed area for annexation, the municipality must, at its expense, extend these services into the proposed area for annexation by the letting of contracts for the construction of such services within 18 months following the effective date of annexation.

2. Character of Area to be Annexed: Standards applicable in the area to be annexed include the following:
   a. The area must be adjacent or contiguous to the municipality's boundaries and at least one eighth of the aggregate external boundary of the area must coincide with the municipal boundary.
   b. No part of the area shall be included within the boundary of another incorporated municipality.
   c. No part of the area proposed for annexation shall be receiving basic municipal services from any unit of government other than the municipality proposing annexation; however, this requirement may be waived by mutual consent of the affected governmental entities.
   d. The area must be sufficiently developed for urban purposes so that it has a total resident population equal to at least one person for each acre of land and it is subdivided into lots and tracts such that at least 60 percent of the total acreage consists of lots or tracts of five acres or less in size and such that at least 60 percent of the total lots and tracts are one acre or less in size, or the area is so developed that at least

60 percent of the total number of lots and tracts of the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes and is subdivided into lots and tracts such that at least 60 percent of the total acreage not counting the acreage used at the time of annexation for commercial, industrial, governmental or industrial, governmental or institutional purposes consists of lots and tracts of five acres or less in size.

3. Procedure for Annexation: The basic procedure for annexation under the proposed annexation first calls for:
   a. The passage of a resolution of the governing authority stating its intent to consider annexation. This resolution must describe the boundaries of the area under consideration, and fix a date for a public hearing on the question of annexation. The date for the public hearing must be not less than thirty days nor more than sixty days following the passage of the resolution.
   b. Notice of the public hearing must be published in the newspaper once a week for three successive weeks prior to the date of the hearing.
   c. Fifteen days prior to the date of the public hearing the governing body of the municipality must approve the report setting forth its ability to serve as stated in No. 1 above.
   d. A public hearing is conducted and the report on ability to serve is explained. Following the explanation of the report, residents of the proposed area for annexation and residents of the municipality are given an opportunity to be heard. Taking into consideration the facts and information presented at the public hearing, the governing authority of the municipality may modify the area boundaries and make changes in its plans for serving the area.
   e. At any regular or special meeting held by the governing authority no sooner than seven days following the public hearing and no later than sixty days following the public hearing, the governing authority may adopt an ordinance extending the corporate limits of the municipality into all or into such part of the area described in the notice for the public hearing as the governing authority has concluded should be annexed.

4. Effect of Ordinance: Upon the effective date of the annexation ordinance, the newly annexed territory, its citizens and property, are subject to all debts, laws, ordinances and regulations in force within the municipality. The newly annexed territory is subject to municipal taxes levied for the fiscal year following the effective date of the annexation.

5. Remedies: Not earlier than 18 months nor later than 21 months from the effective date of annexation any person owning property in the annexed area who believes that the municipality has not met or fulfilled its service plan as provided in the initial plan called "ability to serve," may petition for writ of mandamus. The judge of the superior court may grant relief if the municipality has not provided the service as set forth in its plan of "ability to serve" on the same basis as such services are being provided inside the municipality or if at the time of the mandamus action, the services as set forth in the plan of "ability to serve" as to the required construction of major trunk water mains and sewer outfall lines has not been completed or contract for such construction has not been let.

6. Appeal: Within thirty days following the passage of the annexation ordinance, any person owning property in the annexed area who believes that he will suffer material injury by reason of the failure of the municipal governing authority to comply with the annexation procedures or to meet the requirements for providing services may petition the superior court of the county seeking review of the action of the governing authority. Upon such petition, the court is authorized to grant or deny an order staying the effect of the annexation ordinance. The court may affirm the action of the governing authority or it may remand the ordinance of the governing body for further proceedings in case of irregularities or in case the provisions of the ordinance and annexation procedure do not sufficiently fulfill the requirements of the act. Any party to the review proceedings, including the municipality, may appeal the final judgment of the superior court.

7. Annexation Recorded: When a municipality enlarges its boundaries under the provision of the proposed legislation, it is the duty of the mayor of the municipality to file an accurate map of the annexed territory together with a copy of the ordinance in the office of the Registrar of Deeds in the county and in the office of the Secretary of State.

APPENDIX E

CONSOLIDATION LEGISLATION

The basic provisions to be included in the proposed general enabling act permitting city-county consolidation[53] are presented below:

1. Authorize in metropolitan counties the creation of a Metropolitan Government Charter Commission with necessary authority to draft a charter for a single metropolitan government for the entire city and county area.

2. Authorize such a charter to create a representative Metropolitan Council and elective chief executive which would assume the legislative and administrative functions, respectively, of the city council, mayor, quarterly county court, and county judge.

3. Authorize such a charter to provide for an Urban Services District and a General Services District, with authority to expand the boundaries of the Urban Services District being granted to the Metropolitan Council.

4. Authorize the designation of the chief executive as the State's fiscal agent for the new metropolitan government with authority to delegate these fiscal responsibilities to appointive deputies in a unified Department of Finance.

5. Authorize abolition of the fee system in law enforcement and other governmental functions as it applies to a metropolitan government.

6. Modify the regulations concerning state aid to cities and counties to make the Urban Services District of a single metropolitan government the equivalent of a municipal corporation within the meaning of state aid formulae, and to make a similar adjustment for the definition of a county and the General Services District as the latter would be applied within this form of metropolitan government.

7. Provide for the disposition of suburban utility districts in metropolitan governments in a manner similar to that provided in the general annexation law.

8. Authorize necessary adjustments in the city and county occupational privilege license regulations after creation of a metropolitan

government.

9. Authorize the board of education in a metropolitan government to have an appointive director of schools.

10. Limit the role of the sheriff and constables after creation of a single metropolitan government to the constitutionally mandatory functions.

11. Authorize the election of city and county officers for interim periods, when necessary, until the new metropolitan government takes effect.

12. Authorize for inclusion in the charter such transition measures as may be necessary and proper to effectuate the new metropolitan government.

13. Prohibit further creation of municipal corporations, utility districts, or sanitary districts within a county after the creation of a charter commission, with the provision that such a prohibition would become permanent if the proposed charter is adopted. In case the proposed charter is not adopted, such a prohibition would become inoperative until the date of creation of any subsequent charter commission.

14. Authorize charter provision for the name given to the new government. One possibility would be for the act to specify that the name shall consist of the name of the principal city, followed by a hyphen and the name of the county, followed by the words "metropolitan government." This would provide uniformity in name for all future metropolitan governments.

15. Authorize sufficient flexibility in alternative charters which might be proposed by the Charter Commission to make the enabling act adaptable to the needs of the various cities and counties in the state. The general enabling act should be in harmony with statewide metropolitan needs.

16. Include a clear-cut statement of legislative intent in the general act, making it clear that the purpose of this enabling legislation is to make it possible to consolidate city and county functions by creating a new political entity which is neither a city nor a county as heretofore known, but rather a new government -- still a creature of the state like cities and counties, but adapted to the unique and urgent needs of the modern metropolitan area. Such a statement of legislative intent will be helpful to the courts in deciding cases affecting such a metropolitan government.

17. Require local appropriation of adequate funds to pay the necessary expenses of the Charter Commission, when created. Minimum and maximum standards of adequacy should be set in the enabling act.

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Basic principles that should be included in an annexation law have been developed as a service to those concerned with the drafting or revision of state statutes governing municipal annexation of unincorporated territory.